

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 29186 of 2003(Y)

PETITIONERS:

- 1. K.GOPALAKRISHNAN NAIR
S/O. LATE KRISHNA PILLAI, AGED 51,
JAYA BHAVAN, MULLOOR P.O., VIZHINJAM,
THIRUVANANTHAPURAM.**
- 2. K.V.VENUGOPALAN NAIR, MANAGING
COMMITTEE MEMBER, THE MULLOOR RURAL
CO-OPERATIVE SOCIETY LTD. NO.T.1499, MULLOOR P.O.,
THIRUVANANTHAPURAM.**
- 3. N.VIDHYADHARAN, DO. DO.**
- 4. N.RAGHAVAN PILLAI, DO. DO.**
- 5. E.PHALALLOCHANAN NAIR, DO. DO.**
- 6. R.BIJU, DO. DO.**
- 7. K.VASUDEVAN ASARY, DO. DO.**
- 8. M.SINDHU, DO. DO.**
- 9. S.MOHANA KUMARAN, DO. DO.**
- 10. V.B.SAJI KUMAR, DO. DO.**
- 11. P.K.SREEKUMARAN NAIR, DO. DO.**

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:

- 1. THE STATE OF KERALA REPRESENTED BY THE
SECRETARY, DEPARTMENT OF CO-OPERATION,
THIRUVANANTHAPURAM.**
- 2. THE JOINT REGISTRAR (GENENRAL),
CO-OPERATIVE DEPARTMENT, THIRUVANANTHAPURAM.**
- 3. THE MULLOOR RURAL CO-OPERATIVE SOCIETY
LTD. NO.T.1499, MULLOOR P.O., THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.**

BY GOVERNMENT PLEADER SMT. LATHA THANKAPPAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

KURIAN JOSEPH, J.

W.P.(C) No.29186 of 2003

Dated 26th February, 2007.

J U D G M E N T

Petitioners approached this Court aggrieved by Ext.P19 order passed under Section 32 of the Kerala Cooperative Societies Act, 1969. On 16.9.2003, this Court passed the following order :-

“Notice. Interim order as prayed for. The petitioners will be permitted to function as the managing committee members of the 3rd respondent society until further orders. The 2nd respondent will be free to proceed against the irregularities committed by the 3rd respondent society in accordance with law.”

It is submitted that against Ext.P19, the petitioners had moved the Government in appeal. Along with the appeal, they had also filed a stay petition. One of the contentions taken by the petitioners is that their counsel before the appellate authority was arguing only on the stay petition, however, in the process, the appeal itself was disposed of, so much so, they did not get sufficient opportunity before the Government. After having heard the learned counsel for the petitioners and the learned Government Pleader, I am of the view that this is a case where the petitioners should be given an opportunity to have their contentions urged before the Government. I quash Ext.P25 with a

direction to the first respondent to consider the matter afresh with notice to the petitioners and pass appropriate orders adverting to all the contentions taken by them. The interim order referred to above will continue till such time.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 26th February, 2007.